

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

September 6, 2011

The Selectmen's Meeting convened at 4:00 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Howard C. Dickinson Michael DiGregorio and Mary Carey Seavey; Town Manager, Earl W. Sires and Recording Secretary, Karen Hallowell. There were also approximately 20 people from the public present for the meeting.

Selectman, Lawrence Martin, was not in attendance.

PLEDGE OF ALLEGIANCE

Chairman Weathers led the Board in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

Mr. Dickinson moved, seconded by Ms. Seavey, to approve the 9/7/11 agenda. The motion carried 4-0-0.

DISCUSSION OF DISASTER RELIEF

Emergency Management Director, Steve Solomon, Public Works Director, Paul DegliAngeli, and Building Inspector, David Pandora, were present for discussion. There were also several residents of Transvale Acres present at this meeting.

Mr. Sires stated he is planning to have a couple of reports from staff today regarding disaster relief from staff and he is also going over some recommendations on how to go forward based on the reports.

Chief Solomon reported they have dealt with life safety issues, electrical etc. Debris problems are ongoing. With regard to human issues, this is still ongoing and there are eight (8) people still housed in the shelter. The people in the shelter have no place to go at this time. They were living in travel trailers and can't go back. Chief Solomon further advised they have been dealing with issues surrounding people living in other travel trailers, etc. Slowly but surely people are moving out to dryer ground. As for the people in the shelter there is a need to find a long term housing plan.

Chief Solomon next discussed FEMA. He believes we can get a disaster declaration from the President. We have received a public declaration and will receive 75% reimbursement; however, there has not yet been an individual declaration declared. We haven't received an answer yet if we will be getting this or not. This leaves the people in the shelter without an answer at this point.

Mr. Sires next reported the town has been doing some things this first week anticipating relief for same. The Town did provide dumpsters through today for people to remove items. However, this may stop today. The Town also provided portable toilets. Mr. Sires next reported the Town distributed a letter and notice to property owners of every lot. Mr. Sires reviewed the information in the letter with the Board.

Chief Solomon stated there are a lot of issues we will be dealing with and a lot of effort will have to be put into this situation. The State is also aware and they have provided resources to help out as well. The Governor has also toured the area.

David Pandora stated the Town will be looking at issues such as travel trailers, grandfathered rights, homes not on foundations correctly, etc. We are looking for direction as to how we can move forward. Mr. Sires requested Mr. Pandora characterize what he observed with regard to permanent residents, part time residents, damage, etc. Mr. Pandora advised they found a couple of places damaged and not fixable and they have been condemned and tagged. If rebuilt they would have to be to standards above the flood stage –either water proofed or above water level. Mr. Pandora next explained conditions with trailers not anchored or with no footings, etc. Mr. DegliAngeli next briefly discussed conditions in the area with the Board. Mr. DegliAngeli next stated that whether you speak with locals or out of staters, there is a growing concern with property abandoned and that may have squatters or rental property with multiple units placed on them and camps, etc. There seems to be solidarity among people that the Town of Conway please clean this up. Mr. DegliAngeli next noted that in the last ten years there has been unpermitted illegal growth in the Transvale area.

Mr. Sires next distributed and reviewed a memo with the Board. (See attached). Mr. Sires requested a motion to allow staff to carry out as described in the memo. The Board held discussion.

At 4:30 p.m., Chairman Weathers opened the meeting to public comments and asked that only the issues discussed today be addressed.

Skip Groves advised he is the President of the Trasvale Association. Mr. Groves advised he has a letter he drafted and took around to the residents of Transvale and 100% signed same. Mr. Groves read aloud the letter to the Board. (See attached).

Mr. Sires next distributed an email from a property owner in Transvale and reviewed same. (See attached).

Mr. Groves next requested the Selectmen allow the dumpsters to stay longer in Transvale.

Mr. Weathers next advised for any new or additional comments from the Transvale residents. Also, if there is none, that you agree with the letter provided. (There were no responses by anyone in disagreement).

Mr. Groves next asked to be kept in the loop regarding future progress. Mr. Sires advised there will probably be a organizational meeting and asked Skip if he could attend. Mr. Groves replied in the affirmative.

Mr. Weathers next asked for a show of hands from the residents in the audience as to their agreement with what was discussed today. All agreed.

Clifford Haley next spoke and advised that he is an abutter to Transvale. He is concerned with things like refrigerators, etc, that float down to his property and wants to know what can be down about this situation. Also, the Moat Brook crosses his property down to the Saco and often he will see soap suds and other debris. He doesn't know where this is coming from but it is coming from somewhere.

Howard Herman next spoke and stated he has been part of Transvale since 1958-59. He originally dealt with Henry Shaw who owned all of this property. He didn't hear anything at this meeting about septic tanks and waste disposal and wants to know if there will be any ordinances, etc, to control these type of issues. Mr. Pandora advised the Town will be meeting with the NHDES this week.

There was next a brief discussion of the origination of Transvale Acres and its evolution.

There were no further public comments and Mr. Weathers closed the public comment period at 4:40 p.m.

Mr. Weather asked if the Board had further comments. There were none.

Mr. Dickinson moved, seconded by Mr. DiGregorio, that it shall be the goal of the Board of Selectmen to ensure that all structures and land uses in the Transvale Acres development are brought into compliance with all applicable life safety, building, and zoning codes. To this end, the following goals are established:

- 1. Multiple trailers/structures located on single lot shall be removed;**
- 2. Permanent residences shall have an approved septic system and water system approved by NHDES;**
- 3. The long term rental of any bus, camper or travel trailer shall be prohibited.**
- 4. The continued occupancy of any rental structure not in compliance with building codes shall be prohibited;**
- 5. Any damaged structure shall be rebuilt in accordance with the FEMA code and National Flood Insurance Codes within one year or structure be removed; and**
- 6. Illegal (non grandfathered structures) shall be removed.**

The Board authorizes staff, under the direction of the Town Manager, to pursue accomplishing these goals and ensuring compliance through all available means up to and including the issuance of land use citations, stop work orders, injunctions, and other legal action through the courts. It is understood that residents may be displaced through these actions and staff is directed to work with all available agencies and to pursue all available resources to ensure that suitable housing is found for all those displaced. There was a discussion by the Board regarding wells, water, zoning, etc. The motion carried 4-0-0.

Mr. Sires next reported that right now there is a shelter open, however the length of time it will remain is in question. Where will people go and a long term plan is also in question and the State will be assisting with these discussions. Mr. Sires advised there will be a point place for people to go for help with the transition.

Mr. Groves questioned if there is any help available for Mr. Haley to get his property cleaned up. Chief Solomon advised that for this type of debris there may be a 75% reimbursement available. Mr. Sires advised we are dealing with issues with dumpsters, etc first and then we can discuss this issue at a future date. Mr. Sires stated he himself went down the river and saw picnic tables and other debris along the river in and in the trees.

Mr. Weathers next commented the town-owned land at First Bridge received extensive damage on the north side of River Road and will need to be repaired.

Chief Solomon next commented there was a huge outpour from the public to help people and wanted to thank everyone for same. Chief Solomon further stated that he has also received comments that Transvale floods all the time. There has never been a recorded incident such as this event at Transvale. This time it carried travel trailers, boats, etc away. This was completely different than experienced in the past. The response from the town, state and federal government was warranted. Mr. Sires commented that Chief Solomon put a lot of time into this and the Town certainly appreciates all the time he spent. Also, thanks to the Governor and others who helped as well. Mr. Groves next stated thank you to the Town and, also, to Steve Solomon as well.

Patrick Hill stated that he has a 40' motor home on his property and wants to leave it on his property. Mr. Weathers asked Mr. Hill to meet with staff on this issue. Mr. Hill agreed.

Clifford Haley stated that on his land he doesn't care about the biodegradable stuff, he is concerned with the refrigerators, etc., and there is also a strong odor of fuel oil as well.

Chief Solomon next advised there have been five hazardous material reports made. The NHDES and Clean Harbors have been out to do damage control and there will be an odor for a while and they are aware of it.

CONSIDERATION OF BILLS

- a. Manifest dated 9/8/11
- b. Payroll dated 9/8/11

Mr. Dickinson moved, seconded by Ms. Seavey, to approve the manifest and payroll dated 9/8/11. The motion carried unanimously.

SIGNING OF DOCUMENTS

- a. Abatement Tax/Map Lot 251-155 (2008)
- b. Abatement Tax/Map Lot 251-155 (2009)
- c. Abatement Tax/Map Lot 251-155 (2010)
- d. Notice of Intent to Cut Wood or Timber Map/Lot 250-20
- e. Summary of Forest Stewardship Plan for Current Use Assessment Map/Lot 196-21

Mr. Dickinson moved, seconded by Mr. DiGregorio, to sign the Abatement Tax/Map Lot 251-155 (2008), Abatement Tax/Map Lot 251-155 (2009), Abatement Tax/Map Lot 251-155 (2010), Notice of Intent to Cut Wood or Timber Map/Lot 250-20 and Summary of Forest Stewardship Plan for Current Use Assessment Map/Lot 196-21. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATIONS

There were no Special Event Applications for the Board to consider.

CONSIDERATION OF MINUTES -7/26/11 AND 8/9/11

Mr. Dickinson moved, seconded by Mr. DiGregorio, to approve the minutes of 7/26/11 and 8/9/11 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Storm Damage – Mr. Sires reported that the past week has been consumed by the storm damage issue. He would like to note that almost all town staff, recreation staff, and others have been helping with this effort in one form or another and he appreciates that help.

FEMA – Mr. Sires reported we will look into programs that will buy out any properties as needed. This will be a year or two down the line.

Hussey Field – Mr. Sires advised we have bids out on Hussey Field. Mr. Sires asked Paul DegliAngeli to report on this further. Mr. DegliAngeli advised it is \$50,000 for bid work. It is \$40,000 plus unit cost for top soil. Mr. Sires stated if the Board wants to proceed with the work the Board can use CRF's is they so choose and hope to get 75% reimbursement. We can do the work now or we can wait. Mr. Weathers stated this land is exposed and this is why there is restricted use for certain events. If we hold off waiting for FEMA response we will need to be very restrictive regarding reseeding the field, etc. Mr. DegliAngeli stated in our area the last seeding is September 15 and we could mobilize them for this date. Mr. DegliAngeli stated that we typically run more risk of flooding in the spring however if the Board wants we could act immediately or we can wait until spring/summer. Mr. DiGregorio stated that he personally hasn't actually seen the damage yet. Mr. DiGregorio questioned why we are repairing as opposed to letting nature take its course. Mr. Weathers explained there is a large gravel deposit now restricting vegetation plus a large bank has been scoured out as well a tree damage, etc. This is not a maintenance free field. It is a beautiful field and it has a lot of recreational use but when you get a deposit of gravel, silt, etc, if you don't do anything about it – it will have further damage and you will eventually have to write the field off. There was further discussion by the Board. Mr. Sires questioned if the Board wants to maintain the field at a cost of about \$10-15,000 after reimbursement by FEMA. There was next discussion by the Board as to what money on account could be used for the repairs – capital reserve funds or conservation monies. Mr. Sires suggested tasking staff with finding out where the money could come and then tomorrow he could give an advisory to the Board as to where the money could come from. If anyone sees any problems, we could then call a meeting. The Board agreed.

NH DRED Meeting – Mr. Sires reported a meeting is scheduled for tomorrow, September 7, 2011 with the New Hampshire Department of Resources and Economic Development here at town hall. They are expecting representatives from other towns and agencies at this meeting. They are here to ask what help we need due to the storm damage.

GACIT Meeting – Mr. Sires reported a GACIT meeting is scheduled for September 19, 2011 at Town Hall. This is the annual meeting held regarding the 10 year plan.

Kearsarge Road Culvert Issue – Mr. Sires asked Mr. DegliAngeli to report on a culvert issue on Kearsarge Road. Mr. DegliAngeli advised that there is a culvert that moves water into

Kearsarge Brook and, recently, a bunch of fill was placed in the embankment of the road and the culvert was filled in. We wrote to the responsible party telling them to reopen the culvert no later than August 6, 2011. This did not happen and so the town plans to do the work tomorrow in case of any rain. There was brief discussion with the Board. Mr. DegliAngeli advised that per the town ordinance we can seek reimbursement for the work we will be doing. Mr. DegliAngeli further explained that they had conversation with the property owner but the property owner didn't do anything about the situation and so we will go ahead and do the work. The Board agreed.

BOARD REPORTS AND COMMENTS

Help for Transvale Acres – Ms. Seavey stated that regarding Transvale Acres, people are bringing checks and asking what they can do to help. Ms. Seavey advised there will be a Board set up for MWV Hurricane Irene Fund and they will decide how the funds will be disbursed. Ms. Seavey advised that she will not be on this Board.

Time Warner – Mr. DiGregorio reported that Time Warner Cable has pulled new cabled into the stadium for live feeds. He is in the process of getting in touch with Bill Edmunds to try to get this started as well.

Budget Committee/Subcommittees – Mr. DiGregorio reported the subcommittees formed by the Budget Committee met throughout the summer on various issues. At the next meeting of the Budget Committee the subcommittees will be bringing recommendations back on various issues.

Emergency Response – Mr. Weathers commented on the work that Chief Solomon and his staff along with other crews from North Conway, Center Conway and Madison, who worked to get people evacuated and that we were fortunate no one was hurt. Chief Solomon added that this was about a three hour operation and also stated thank you to everyone. Mr. DiGregorio questioned if everyone was asked to leave Transvale Acres. Mr. Solomon stated that to do a mandatory evacuation is possible but not easy in the State of New Hampshire. This has only been tried once in Allenstown. In Transvale Acres 30 people would have been forcibly removed. They did go door to door and advised them to leave. They also posted notices on every structure, travel trailer, etc., advising of the need to get out. He does feel now that they should have forced the evacuation this time as it put our firefighters in danger. There was further brief discussion regarding evacuation efforts and also rescues made. Chief Solomon stated that their goal is to come back to the Board of Selectmen in the future to make a recommendation on evacuations for Transvale Acres in the future.

Jeff Locke – Mr. Martin reported that baseball player, Jeff Locke, has been called up to the major league and will be playing for the Pittsburg Pirates. He may play his first game this weekend.

PUBLIC COMMENTS AND MEDIA QUESTIONS

WMWV Reporter, Gair McKenzie stated he would like a brief history of Transvale Acres –was it a camping area and then it morphed into residential, etc. Mr. Sires explained that the development was subdivided, etc. Mr. Sire requested Mr. McKenzie all the office tomorrow for further explanation and Mr. McKenzie agreed.

Mr. McKenzie next questioned how many structures are in the flood plain. It was advised there are 115 properties and 110 are in the 100 year flood plain. Also, this doesn't count travel trailers in the area.

Mr. McKenzie questioned if this area is dealt with differently by the town because it is private. Mr. Sires advised general services are provided, law enforcing, assessing, etc.

ADJOURN

Mr. Dickinson moved, seconded by Ms. Seavey, to adjourn the meeting at 5:43 pm. The motion carried unanimously.

Respectfully Submitted,

Karen J. Hallowell
Executive Secretary